

REMARKS

These remarks are submitted in reply to the Office Action dated October 18, 2006. Applicant respectfully requests reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Claims 1 – 11, 24 and 25 remain in the application. Claims 12 – 23 were cancelled have been previously withdrawn further to a restriction requirement and are herein canceled. Based on the remarks herein, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

I. Claims 1-11, and 24-25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "sintering the material", was considered unclear as to which material is being sintered since the claim recites dielectric material and metal oxide materials. Similarly, the Office Action stated the phrase "the material", in claims 4-6, makes it unclear to which material is being sintered since the claim recites dielectric material and metal oxide materials.

Applicant has amended claims 1 and 4 – 6 to “the mixture of particles of at least one electronically tunable dielectric material and a total of from about 1 to about 80 weight percent of particles of at least two additional metal oxide materials ~~material~~”. Thus, Applicant has clarified the ambiguity and submits this rejection has been traversed.

II. Claims 1, 4, 11, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhu et al (US 6,404,614). Claims 1, 7, 11 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Sengupta (US 6,737,179). Claims 1, 7, 11 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al (US 6,154,895).

As the above rejections are 102(e) rejections with common inventors, Applicant submits with the present invention three declarations showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another." Attorney for applicant with intimate knowledge of Applicant's patent portfolio including the cited art and the present application and has signed the declaration with this knowledge. However, if signatures of the inventors of the cited art and present application are required, such signatures can be obtained to traverse this rejection.

III. Claims 1 and 4 - 7 were rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claim 17 of U.S. Patent No. 7,056,468.

Applicant submits with the present response a terminal disclaimer to traverse this rejection.

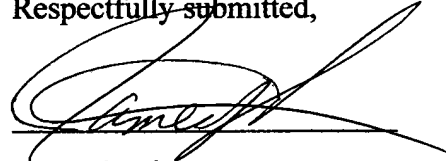
Conclusion

From the foregoing, Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request that the application is in condition for allowance and respectfully request such action.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the following number: 202-607-4607.

The USPTO is authorized to charge Deposit Account No. 502697 any fees associated with this response.

Respectfully submitted,



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